

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PHILLIP B. HAUSKEN,

Plaintiff,

v.

DR. COGBURNE, et al.,

Defendants.

Case No. C16-1931-JCC-JPD

REPORT AND RECOMMENDATION

Plaintiff filed a proposed civil rights complaint in the above-entitled action on December 16, 2016. Dkt. 1-1. However, plaintiff did not pay the \$400 filing fee. Although plaintiff filed an application to proceed *in forma pauperis* ("IFP"), he did not use the correct form approved for use in this district. By letter dated December 16, 2016, the Court advised plaintiff that he must pay the filing fee or submit the Court's IFP application approved for use in this district by no later than January 17, 2017, or else his action may be dismissed. Dkt. 3. Plaintiff was also sent a blank copy of the Court's IFP application. *See id.*

To date, however, plaintiff has failed to pay the applicable filing fee or submit an IFP application. Accordingly, the Court recommends that this 42 U.S.C. § 1983 action be DISMISSED without prejudice for failure to prosecute.

A proposed order accompanies this Report and Recommendation. The Clerk is directed to send copies of this Order to plaintiff and to the Honorable James P. Donohue.

This Report and Recommendation is not an appealable order. Thus, a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge acts on this Report and Recommendation.

DATED this 10th day of February, 2017.

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*James P. Donohue*  
 JAMES P. DONOHUE  
 Chief United States Magistrate Judge